

DEVELOPMENT REVIEW COMMITTEE – September 4, 2018
RECOMMENDED CONDITIONS OF APPROVAL FOR:

42 Elm Street

Conditional Use Permit Application U-18-015

Requesting approval of a modification to an existing Conditional Use Permit for beer and wine service and increased hours of operation in an existing restaurant (American Italian Deli) on property zoned C-2. APN 529-03-035.

PROPERTY OWNER: Mike Cobler

APPLICANT: Tamar Sloan

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. CONDITIONS: These conditions of approval shall supersede all previously adopted conditions.
2. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any changes or modifications to the approved plans shall be approved by the Community Development Director, DRC or the Planning Commission depending on the scope of the changes.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: A restaurant with the service of beer and wine is permitted.
5. HOURS OF OPERATION: Maximum hours of operation are 9:00 AM to 11:00 PM seven days a week.
6. TAKE OUT: Take out food shall be served in recycled material containers.
7. UTENSILS: All beverages and food served on site shall be served on reusable materials.
8. TRASH: Operators of the restaurant shall provide onsite trash receptacles and shall pick up trash along the business frontage and in the vicinity of the restaurant when outdoor seating is available.
9. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
10. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:
(Engineering Division)

11. GENERAL: All public improvements shall be made according to the latest adopted Town Standard Plans, Standard Specifications and Engineering Design Standards. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job-related mud, silt, concrete, dirt and other construction debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless an encroachment permit is issued by the Engineering Division of the Parks and Public Works Department. The Owner, Applicant and/or Developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the issuance of correction notices, citations, or stop work orders and the Town performing the required maintenance at the Owner, Applicant and/or Developer's expense.
12. DESIGN CHANGES: Any proposed changes to the approved plans shall be subject to the approval of the Town prior to the commencement of any and all altered work. The Owner, Applicant and/or Developer's project engineer shall notify, in writing, the Town Engineer at least seventy-two (72) hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.